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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,078	11/20/2003	Michael A. Woodruff	WDRFJ 100	8639

2555 7590 05/02/2005

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,078	Applicant(s) WOODRUFF, MICHAEL A.	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 and 16-46 is/are pending in the application.
- 4a) Of the above claim(s) 8, 12, 13 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 9-11, 14, 16-20, 22-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 8, 12, 13 and 21 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the telephone conversation with Jason Foster.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-7, 9-11, 14, 16-20 and 22-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. US #6,013,346 (Lewis) in view of Henley, US #5,970,638.

4. Lewis teaches a display device comprising power supply (batteries) 28, light source (one or more LEDs) 26, switch 44 (column 3 line 57) and (white) mounting film 12. The mounting film has two major surfaces and includes adhesive 18 on one for mounting to a substrate. Lewis also teaches indicia (opaque, alphanumeric characters) printed on the surface opposite the adhesive (column 3 lines 9-16). The illumination assembly includes housing 46.

5. Lewis does not teach the illumination assembly mounted to only one side of the mounting film, however this is well known in the art as shown by Henley. Henley

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teaches an object, 22, mounted to one major surface of a mounting film (Figure 1).

Object 22 can assume numerous configurations (column 2 lines 44-45) and mounting film 16 is electrostatic and transparent. It would have been obvious to a person having ordinary skill in the art of displays to mount the display of Lewis as shown in Henley so that the display may be used replaceably or interchangeably and so that it may be seen through glass that it is mounted on.

6. Lewis does not teach static attraction to mount the illumination assembly to the mounting film, however static attraction is a well known equivalent alternative to adhesive. It would have been obvious to one of ordinary skill to utilize static attraction to attach the assembly and film if adhesive would harm the assembly.

7. As shown in Figure 1 of Henley, the mounting film is a substantially planar sheet with peripheral edges that extend beyond the display and adhesive is interposed between mounting film 16 and object 22.

8. Lewis and Henley do not teach using a transducer or alternating current as a power source, however these are well known in the art. It would have been obvious to utilize either of these as an equivalent, alternative source of power for the display.

9. Lewis and Henley do not teach an automatic, programmable, photo sensing or motion sensing switch, however these are all considered to be equivalent alternatives and would have been obvious to one of ordinary skill in the art.

10. Lewis and Henley do not teach mounting the display on a wall or mirror, however, the examiner takes official notice of displays mounted on walls and on mirrors. It would have been obvious to one of ordinary skill to mount a display on a wall or mirror

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or anywhere the target audience will most easily see it. The examiner also takes official notice of windows that are angled, as is a car's windshield.

11. Lewis and Henley do not particularly teach methods for using the device, however the method steps of the instant claims would have been obvious to one of ordinary skill in the art given the structure of Lewis (as modified by Henley).

Response to Arguments

12. Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive.

13. The Henley reference has been applied in response to amendments requiring the assembly to be mounted to only one side of the mounting film. This reference shows a static cling mount.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silberman whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joanne Silberman
Primary Examiner
Art Unit 3611

JS